

Testimony

by

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submitted to

the United States House of Representatives  
Subcommittee on  
Federalism and the Census

*“Counting the Vote: Should Only U.S. Citizens Be Included in  
Apportioning our Elected Representatives?”*

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Mr. Chairman and distinguished members of the Subcommittee, thank you for the invitation to testify regarding House Joint Resolution 53, which proposes an amendment to the Constitution of the United States to prohibit the counting of all non-citizens in the decennial census for the purpose of apportionment of the House of Representatives.

I am Larry Gonzalez, Washington Office Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund. The NALEO Educational Fund is a non-profit, non-partisan organization that empowers Latinos to participate fully in the American political process, from citizenship to public service. We carry out this mission by developing and implementing programs that promote the integration of Latino immigrants into American society, developing future leaders among Latino youth, providing training and technical assistance to the nation's Latino elected officials, and conducting policy analysis and research on Latino civic participation. The NALEO Educational Fund's constituency includes the more than 6,000 Latino elected and appointed officials nationwide.

Because of our long standing work on promoting a full enumeration in the Census, we were recently appointed by the United States Secretary of Commerce, Carlos Gutierrez, to serve as a member of the 2010 Census Advisory Committee. Member organizations of the 2010 CAC play a critical role in advising the Census Bureau on how it can effectively and efficiently accomplish its decennial goals and objectives. The NALEO Educational Fund has extensive experience working with the Latino community on Census outreach and a record of active and effective participation on the Decennial Census Advisory Committee (DCAC), the predecessor of the 2010 CAC.

As background, I would like this committee to note that the NALEO Educational Fund has also always played a non-partisan role in federal, state and local elections. From assisting Latinos in becoming citizens and encouraging citizens to cast their ballots, throughout the years, our efforts have included programs to educate Latinos about voting and participation in the civic life of their neighborhoods and communities.

It is from our extensive experience that I discuss with you today what we believe would be the detrimental impact of HJR 53 on the efforts to fully integrate the nation's second largest population group into our society and political system. The passage of this resolution would only serve to isolate segments of society and send a message that only U.S. citizens have a right to be heard by our government and elected officials. Omitting non citizens from the traditional census count contradicts the body of the U.S. Constitution, as well as the 14th Amendment which specifically requires that States not discriminate against persons in their jurisdictions.

Congress does not just represent citizens, our federal elected officials represent all persons, children, who have not yet reached the age to vote; women, who did not have the right to vote until passage of the 19<sup>th</sup> Amendment; and countless other groups of residents of the United States. Congress also represents the thousands of our American soldiers, offering their lives to protect our nation, who are not yet citizens, but are lawful permanent residents. Surely, these men and women in uniform are entitled to be represented by the country for which they are willing to sacrifice their lives. This is dangerous ground that our nation has tread before when it decided to classify slaves as not being whole persons, but 3/5<sup>th</sup>'s of a person. This amendment would determine that members of our society who are not yet citizens are also not "persons" in the eyes of the law. This is fundamentally contrary to our values as Americans. Congress has considered such changes to the Constitution before, and has rejected them each time, deciding instead to embrace the principles established by the framers of the Constitution that the U.S. House of Representatives represents all persons residing in this country, not just a few with rights.

In listening to the discussions and the presentation of research surrounding the introduction of HJR 53, much of the debate has focused on the number of undocumented immigrants and their impact on political representation. It focuses on winners and losers in political terms. For example, an analysis by the Congressional Research Service from May 11, 2005 indicates that if only citizens were counted in the 2000 Census, California,

Texas, New York and Florida, would have lost congressional representation rather than gained. Because of the large undocumented population, so the debate goes, and all “persons” rather than “citizens” were counted, several other states “lost” representation.

A discussion about counting only “citizens” is particularly disheartening when viewed in the context of potential Latino political progress. Let me offer the members of this subcommittee another perspective; a perspective that always gets lost in the emotional debate about illegal immigration and one that our organization cares deeply about. Last year, the NALEO Educational Fund completed an analysis of the population estimates of legal permanent residents eligible for citizenship produced by Urban Institute demographer, Dr. Jeffrey Passel. These estimates revealed that one out of two of the nation’s legal permanent residents eligible for U.S. citizenship were Latino - 4.2 million. Estimates were produced for Latino legal permanent residents and all legal permanent residents which totaled 7.7 million eligible to become citizens. Since much of Dr. Passel’s estimates are based on Census 2000 data, we believe that the overall number of legal permanent residents eligible for citizenship may now be approaching 10 million, with nearly half being Latino.

According to our analysis, most of the eligible Latino legal permanent residents are in states that are the traditional Latino population centers – about 77% of the nation’s total live in California, Texas, New York, Florida, Illinois, New Jersey or Arizona. This is important to note in light of the CRS analysis. While we do not dispute the fact that there are large undocumented populations in these states, our analysis shows that there are also many immigrants poised to become citizens. If the goal of HJR 53 is to shift political power away from states that have large concentrations of undocumented immigrants, the reality is that these states also have hundreds of thousands of immigrants who are law abiding citizens, have played by the rules and are preparing to become full participants in this nation.

In fact, there are also a significant number of legal permanent residents in regions with emerging Latino communities, including the Northeast (Massachusetts), the

Washington, D.C. metropolitan area (Maryland and Virginia), the Midwest (Michigan and Ohio), and the Deep South (Georgia). I have attached for the record, the NALEO Educational Fund analysis of the top 15 states with Latino legal permanent residents (LPRs) eligible to naturalize.

In conclusion, we agree with Representative Miller's public statement that HJR 53 and this discussion today is about the concept of one person, one vote. If you are a person in this country, you should be counted.

Mr. Chairman, while the Latino community continues on its path to full political engagement and representation, we have not yet reached that goal, and we will not reach it without the continued counting of all persons that reside within the United States. Thank you.